

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-against-	:	
	:	<u>ORDER</u>
	:	10-CR-60 (JG)
MOHAMMED WALI ZAZI,	:	
	:	
Defendant.	:	
-----X	:	

JOHN GLEESON, United States District Judge:

On July 5, 2011, I granted the government's motion for a protective order pursuant to Section 4 of the Classified Information Procedures Act ("CIPA"), 18 U.S.C. app. 3, §§ 1-16, and Federal Rule of Criminal Procedure 16(d)(1). (Dkt. #124.) On July 14, 2011, the government filed a supplemental motion for a CIPA protective order concerning materials to be provided to the defense in accordance with the government's continuing obligations under *Giglio v. United States*, 405 U.S. 150 (1972), and the Jencks Act, 18 U.S.C. § 3500. (Dkt. #153.) As described in Part III of its submission, the government seeks an order authorizing the substitution of an unclassified summary for a single item of classified source material and the deletion of certain materials from the ambit of discovery in this case.

I presume the parties' familiarity with the standards applicable to CIPA motions, which are described in my opinion granting the government's prior request for a protective order. After reviewing the government's latest classified submission *ex parte* and *in camera*, I once again find those standards satisfied. The summary proposed by the government provides the defendant with all arguably relevant information from the source material while preventing access to undiscoverable classified information. The few classified documents suggested for

deletion, moreover, although potentially discoverable, are only theoretically relevant and would not contribute to the defendant's ability to present a meaningful defense. Accordingly, I grant the government's motion for a CIPA protective order with respect to the materials in question on the terms appearing in its classified submission.

So ordered.

JOHN GLEESON, U.S.D.J.

Dated: Brooklyn, New York
July 15, 2011